

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS****CALIFORNIA CODE OF REGULATIONS**

TITLE 8: Chapter 7, Subchapter 5, Article 3, Section 2320.2(a)
of the Low Voltage Electrical Safety Orders (LVESO), and Article 36,
Section 2941(f) of the High Voltage Electrical Safety Orders (HVESO)

**Electrical Worker Apparel and Use of a Ground-Based Observer When Performing
Rubber Gloving Operations on Energized Conductors/Equipment**

There are no modifications to the information contained in the Initial Statement of Reasons.

SUMMARY AND RESPONSE TO ORAL AND WRITTEN COMMENTS**I. Written Comments**

Mr. Bill Marsh, Occupational Safety Manager, Southern California Edison, by letter dated
March 16, 2001.

Comment:

Mr. Marsh stated that Southern California Edison supports the proposed changes to Section 2320.2(a) and Section 2941(f) as shown in the Board's Notice of Public Meeting for April 19, 2001.

Mr. Marsh also stated that he participated in the advisory committee deliberations that took place in Sacramento, California on July 12, 2000, and that the proposed language reflects the advisory committee's consensus recommendation.

Response:

The Occupational Safety and Health Standards Board (Board) acknowledges Mr. Marsh's support for the proposed language and appreciates his participation in the advisory committee and the Board's rulemaking process.

II. Oral Comments

Oral comments received at the April 19, 2001 Public Hearing in Sacramento, California.

**Mr. Art Murray, representing the International Brotherhood of Electrical Workers
(IBEW), Local 1245.**

Comment:

Mr. Murray stated that he fully supports the proposed language.

Response:

The Board acknowledges Mr. Murray's support for the proposal and appreciates his participation in the Board's rulemaking process.

Comment and Dialog

Mr. Jere Ingram, Board Chairman, Mr. Art Murray, IBEW, Local 1245.

Chairman Ingram asked Mr. Murray if technological advancements in high voltage line work would eliminate the need for a ground-based observer and whether Mr. Murray would be adverse to implementing such technology. Mr. Murray stated that he would not support the use of such alternative technology and indicated that the advisory committee proposal represents the best alternative.

Response:

Once again the Board respects and acknowledges Mr. Murray's position and support for the proposed regulation.

Comment and Dialog

Ms. Victoria Bradshaw, Board Member, Jere Ingram, Board Chairman, Art Murray, IBEW, Local 1245, Michael Manieri, Board staff.

Ms. Bradshaw expressed her concern over the fiscal impact to state agencies, given California's energy crisis, and suggested that Board staff revisit the Initial Statement of Reasons. Mr. Murray explained that the proposal merely pertains to the operation of high voltage lines and conductors with specific regard to rubber gloving operations only. Mr. Murray stated that such procedures are not applicable to the operation of the transmission grid that could be purchased by the state to help mitigate the crisis. Mr. Murray added that the other portion of the proposal pertains to low voltages and does not create any new or added fiscal impact. Ms. Bradshaw stated that while this may be true, some clarification for the record should be made since the impact statements unequivocally state that there is no fiscal impact. Chairman Ingram stated that this issue is one that can be investigated further by staff to ensure that the impact statement is accurate. Mr. Manieri stated that at the time the proposal was under development the energy crisis had not emerged as a statewide issue.

Response:

Since the April 19, 2001 Public Hearing, Board staff has consulted with individuals representing both IBEW and various electric power transmission, generation and distribution companies in California (e.g., California Energy Commission, California Public Utilities Commission, Southern California Edison and PG&E). Board staff has learned that the purchase of the state's power grid is at best a matter of great speculation. Agreement has not been reached with both PG&E and Southern California Edison as to the terms of the acquisition and, the State Power Authority, who will oversee the operation of the state's grid per Governor Davis' proposal, has yet to be formed.

Regardless, the consensus opinion of the parties contacted indicates that ownership of the state's high voltage transmission grid by the State of California would have no significant impact upon state agencies. Moreover, the opinion of the parties contacted supports the rationale of Mr. Murray, IBEW 1245, that rubber gloving operations (7,500-21,000 volts) are the only operations affected by the proposed amendments to Section 2940(f) and that such procedures are not employed on the state's transmission grid which operates at voltages well in excess of 21,000 volts. Therefore, the cost impact upon the State of California is expected to be insignificant, even if California purchases the grid or portions thereof from the California utility companies who currently own/operate the grid.

Note: In response to Ms. Bradshaw's concern regarding fiscal impact to state agencies, Board staff spoke with Mr. Mike Campbell, Analyst to the Director of the California Public Utilities Commission (CPUC). Mr. Campbell stated that in his opinion, should the State of California take over the transmission grid, the proposed language mandating the use of a ground-based observer would not result in a significant cost impact to either the ratepayers or the state. The Governor's Memorandum of Understanding (MOU) pertaining to the purchase of the state's transmission grid stipulates that only the Southern California Edison transmission grid is proposed for acquisition by the state at this time. The MOU further stipulates that the state would purchase the lines and then contract with the utility companies to actually perform work on the grid. Though the proposed requirement that a ground-based observer would certainly appear to increase operating costs for a utility company, given the fact that the proposal only applies during rubber gloving operations and that such operations are miniscule compared to the overall operating costs experienced by a utility company, the fiscal impact to both the rate payer and the state would be insignificant. The proposal would not automatically equate to hiring additional personnel to perform such operations. The required third person on the ground would probably result in a fractional percent increase of the total incremental costs.

Consequently, for the reasons indicated above, Board staff is satisfied that the cost impact statements contained in the Initial Statement of Reasons have merit and do not require modifications at this time.

DETERMINATION OF MANDATE

These regulations do not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed regulation. No alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the adopted action.